



JFw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**TRANSMITTAL  
FORM**

*(to be used for all correspondence after initial filing)*

		Application Number	10/601,736	
		Filing Date	June 23, 2003	
		First Named Inventor	Melanee A. Davis	
		Group Art Unit	3651	
		Examiner Name	Khoi H. Tran	
Total Number of Pages in This Submission (including this sheet)		3	Attorney Docket No.	2262.MDAV.NP

<b>ENCLOSURES (check all that apply)</b>				
<input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Appeal Communication: <input type="checkbox"/> Appeal Notice <input type="checkbox"/> Appeal Brief <input type="checkbox"/> Reply Brief  <input type="checkbox"/> Assignment with Cover Sheet  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Check in the amount of \$_____  <input type="checkbox"/> Credit card authorization in the amount of \$_____  <input type="checkbox"/> Declaration & Power of Attorney  <input type="checkbox"/> Drawings ____ sheets <input type="checkbox"/> Formal <input type="checkbox"/> Informal	<input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Fee Calculation Table <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form 1449 <input type="checkbox"/> Copies of IDS References <input type="checkbox"/> Issue Fee Transmittal & Advance Order	<input type="checkbox"/> Maintenance Fee Transmittal <input type="checkbox"/> ____ year <input type="checkbox"/> Missing Parts Response <input type="checkbox"/> Notification of Change of Attorney Address & Docket Number <input checked="" type="checkbox"/> Return Postcard <input type="checkbox"/> Revocation & Power of Attorney <input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Other: Response to Election/Restriction Requirement		
			Remarks	

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Attorney for Applicant	Julie K. Morrise, Registration No. 33,263 MORRISS O'BRYANT COMPAGNI, P.C. 136 South Main Street, Suite 700 Salt Lake City, Utah 84101 (801) 478-0071 telephone; (801) 478-0076 facsimile		
------------------------	--	--	--

Signature		Date	12-22-04
-----------	--	------	----------

**CERTIFICATE OF MAILING UNDER 37 CFR § 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, on the date indicated below, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Typed or Printed Name	Julie K. Morrise		
Signature		Date	12-22-04



PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Application of:**

Melanee A. Davis

**Serial No.:** 10/601,736

**Filed:** June 21, 2003

**For:** METHOD FOR PROVIDING  
VENDABLE ITEMS OF  
ENTERTAINMENT

**Examiner:** Khoi H. Tran

**Group Art Unit:** 3651

**Attorney Docket No.:** 2262.MDAV.NP

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail (under 37 C.F.R. § 1.8(a)) on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450.

December 22, 2004

Date of Deposit

*Julie K. Morris*  
Signature of registered practitioner or other person having reasonable basis to expect mailing to occur on date of deposit shown pursuant to 37 C.F.R. § 1.8(a)(1)(ii)

Julie K. Morris  
Typed/printed name of person whose signature is contained above

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

MAIL STOP AMENDMENT  
Commissioner For Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

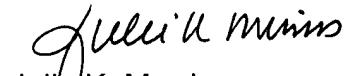
Sir:

Responsive to the Election/Restriction requirement mailed November 26, 2004, the Applicant elects to pursue claims 1-19 drawn to a method of vending and returning entertainment items.

The Examiner further identifies two species of invention within the method claims 1-19. Responsive thereto, Applicant elects for examination claims 1-7 and 9-19 which read on the species of method identified by the Examiner as Species II, returning of the item by postal means. Claim 8 is drawn to Species I, returning the item to a kiosk, and is elected for withdrawal at this time. The election/restriction as to species is made with traverse. Claim 1, at the least, is generic to both species and Applicant reserves

the right to have withdrawn claim 8 rejoined in the application for issuance should at least one claim remain generic to both species.

Respectfully submitted,



Julie K. Morrise  
Registration No. 33,263  
Attorney for Applicant  
MORRISS O'BRYANT COMPAGNI, P.C.  
136 South Main Street, Suite 700  
Salt Lake City, Utah 84101  
Telephone: (801) 478-0071  
Facsimile: (801) 478-0076

Date: December 22, 2004